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astonishing to hear the expression 'crores', as if we were dealing with crores. Before I sit down, I shall place before the Council the actual facts. I have here a statement showing the average lag of expenditure which would come under this resolution for the three years ending with 1925-26 :—

Under Civil Works, Provincial—Transferred ..	Rs.	24,193
Under " Reserved ..	"	344
Under 60. Civil Works	"	2,601
Under 15. Irrigation	"	6,000
Under 55. Irrigation	"	11,920

What we have got is a lag of expenditure of something like Rs. 30,000. May I say I have no desire to press this resolution? (Mr. S. Satyamurti: Hear, hear.) Why should I? May I say this to the hon. Members on the front Opposition bench? I hope they will pay more attention to the authority I am going to quote as to the reason why I came before this House. It was under the expressed desire of the Public Accounts Committee, a Statutory Committee of this House. Their express wish was that this matter should be examined, and it was our bounden duty to comply with that wish, and we have done so. If the House regards the matter of such little importance that it is unnecessary to regulate and regularize it, then there is no reason why the Government should really feel distressed. All I can say is that I will of course inform the Auditor and the Public Accounts Committee of the result of our discussion and I will express the hope that in dealing with our accounts hereafter in cases of this kind, instead of treating them as matters to which we must devote our earnest attention with the object of finding the remedy, these authorities will be so good as to treat them as purely technical objections."

The resolution was put and negatived.

X

THE PRESIDENCY SMALL CAUSE COURTS (MADRAS AMENDMENT) BILL, 1927.

The hon. Sir C. P. Ramaswami Ayyar :—" Mr. President, Sir, this Bill is a formal one, but in its own way it has some importance. Hon. Members who are acquainted with the practice of the courts in Madras are aware of this, that under chapter VII of the Presidency Small Cause Courts Act there is a summary procedure for the recovery of possession of immovable property when any person has possession of that property of which the annual value does not exceed one thousand rupees. This gives certain summary powers for ejectment or ejection. It so happens that the Small Cause Courts Act was passed in 1882 and the City Civil Court Act in 1892. The result of this is that in cases appertaining to questions of title which under chapter VII of the Small Cause Courts Act are not precluded from being litigated upon in the ordinary courts, that is in the High Court, which was the ordinary court in 1882, the difficulty arises that all these suits must be filed in the High Court. Otherwise, if they are filed in the City Civil Court, according to existing law, the question of *res judicata* is raised, on the ground that the words 'City Civil Court' does not occur in the Act of 1882, thus precluding questions of title. For these reasons, I move that the Bill be read in Council."

* The hon. Khan Bahadur Muhammad Usman Sahib Bahadur :—" I second it."

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The motion was put and adopted.

The Secretary then read the title of the Bill.

The hon. Sir C. P. RAMASWAMI AYYAR :—" I now request, Sir, that you will suspend Standing Order 39."

* The hon. the PRESIDENT :—" May I know the reason why ?

The hon. Sir C. P. RAMASWAMI AYYAR :—" The real reason has been stated in the Statement of Objects and Reasons. A number of suits are being held up now, and the cases which ought to be filed in the City Civil Court are all being filed in the High Court and it has been pointed out by the High Court that it causes both expense and delay."

* The hon. the PRESIDENT :—" Has not the High Court power to transfer suits to the City Civil Court ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" No, no. They have not got the power. The reason is this : the moment a suit is transferred to the City Civil Court the question of *res judicata* again comes up. You must first of all pay institution fees on the High Court scale, and then if the suit is transferred you cannot apply for a refund."

* The hon. the PRESIDENT :—" Has the Leader of the Opposition any objection to suspend Standing Order 39 ? "

* Mr. S. MUTTAYYA MUDALIYAR :—" The only motion on the agenda is leave to introduce this Bill. No notice is given about suspending the Standing Order."

The hon. Sir C. P. RAMASWAMI AYYAR :—" Notice is given, Sir."

* Mr. S. MUTTAYYA MUDALIYAR :—" I am sorry, I am mistaken."

* The hon. the PRESIDENT :—" I suspend the operation of Standing Order 39."

The hon. Sir C. P. RAMASWAMI AYYAR :—" I move, Sir, with your permission that the Bill be taken into consideration."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I beg to second it."

* Mr. C. S. GOVINDARAJA MUDALIYAR :—" Mr. President, Sir, it will be interesting to know from the hon. the Law Member why this piecemeal legislation has been brought before this House. He is well aware, as most lawyers in Madras are, that there is another crying evil with regard to the Small Cause Courts Act. I refer to the anomaly of the Full Bench trials, applications as they are called, put down in the Act as new trials. The inconvenience caused to all people concerned in the litigation is so great that it has been commented upon very adversely, and even before the Civil Justice Committee this matter was brought into prominence. One of the distinguished lawyers in Madras, Mr. Radhakrishna Ayyar, has to say something about this, and I cannot put the case better than how he has put it. He was one of the co-opted members of the Civil Justice Committee, and he says in his written memorandum :

'The system of new trials by a Full Bench of Judges may be done away with and the unsuccessful party may be given a right to apply to the High Court for revision on terms similar to section 25 of the Provincial Small Cause Courts Act. Not only would this suggestion relieve the Judges of the Small Cause Court of work which occupies a good deal of their time at present, but it has also the additional advantage of giving to parties a more satisfactory remedy than the

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present new trial application. Almost all the witnesses who have any experience of the Small Cause Court have stated to the Committee in their evidence that this system by which an application for new trial from the judgment of one Judge of the Small Cause Court is heard by a Full Bench of two or three judges, of which the trial judge is himself a member, has been found to be unsatisfactory. Formerly the new trial applications were heard by all the three judges, the trial judge being one of them. Recently the practice has been altered and the new trial applications are heard by two judges, one of whom is the trial judge. I can say from my experience of the Small Cause Court that I entirely agree with the opinion given by the witnesses who gave evidence before the Committee that a system by which a judge who has tried the case sits as a member of the appellate tribunal is most unsatisfactory . . . '

* The hon. the PRESIDENT :—" Before the hon. Member proceeds further, I wish to know how the debate which he has now raised is in order as far as the principles of the Bill now under consideration are concerned. The Bill for consideration before the House is only to add the words 'City Civil Court' in all cases where 'High Court' appears. That amounts to giving concurrent jurisdiction to the High Court as well as to the City Civil Court. Because the hon. Member raised a debate on the new trial system and other matters, I wanted to know how it is pertinent to the principles of the Bill now before the House." 4-15 p.m.

* Mr. C. S. GOVINDARAJA MUDALIYAR :—" As I began, Mr. President, Sir, I wanted to raise the question why the hon. the Law Member has not thought fit to bring in a more consolidating measure and thought fit to confine himself to one point which is said to be a desideratum in the Presidency Small Cause Courts jurisdiction. This question of new trial or Full Bench application is in fact as urgent, if not more urgent than any other and the hon. the Law Member knows full well, as any lawyer in Madras knows, that this is a crying evil which has to be put down as quickly as possible. I want to know as to why the hon. the Law Member omitted to bring this particular amendment also into the Bill that he has sought to place before the House."

* The hon. the PRESIDENT :—" I believe the proper stage to raise such questions is at the second reading stage or the third reading stage of the Bill. There may be grounds for not accepting the Bill. If the hon. Member wants to raise any objections, he may do so only at the third reading stage and not at this stage."

* Mr. C. S. GOVINDARAJA MUDALIYAR :—" May I submit that this is the stage at which leave is asked for introduction of the Bill ? "

* The hon. the PRESIDENT :—" We have finished the stage of the introduction of the Bill. That is what is known as the second reading of the Bill. We are now considering the provisions of the Bill. At this stage, if the hon. Member so wishes, he may commit the Bill to a select committee or offer criticisms as to why we should not consider this Bill. But the real stage for advancing reasons for rejection is either second reading stage or third reading stage."

* Mr. C. S. GOVINDARAJA MUDALIYAR :—" If the President will allow me to state at a later stage what I have got to state, I shall be perfectly content."

The motion that the Bill be taken into consideration was put and carried.

The hon. Sir C. P. RAMASWAMI AYYAR :—" In moving now that the Bill be passed into law, may I make an observation or two ? I realize what has fallen from my hon. Friend the Member for Madras. The question has been raised that this Bill must have been of a more comprehensive character . . ."

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* The hon. the PRESIDENT :—" Standing Order 48 says that it shall be in the discretion of the President to submit the Bill or any part of the Bill to the Council clause by clause. Then comes the stage for passing the Bill."

The hon. Sir C. P. RAMASWAMI AYYAR :—" I move that clause 1 do stand part of the Bill."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :— " I second it."

The motion was put and carried and clause 1 was made part of the Bill."

The hon. Sir C. P. RAMASWAMI AYYAR :—" I move that clause 2 do stand part of the Bill."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :— " I second it."

The motion was put and passed and clause 2 was made part of the Bill.

The hon. Sir C. P. RAMASWAMI AYYAR :—" I move, Sir, the preamble of the Bill."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :— " I second it."

The motion was put and passed.

The hon. Sir C. P. RAMASWAMI AYYAR :—" I now move that the provisions of the Bill having been considered, the Bill be passed into law."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :— " I second it."

* Mr. C. S. GOVINDARAJA MUDALIYAR :—" Mr. President, may I now finish my remarks ?

'The system has led in some instances to no small wrangles between the trial judge and the vakil for appellants, and some trial judges, though not all, have displayed while sitting in the Full Bench, a violent tendency to support their own judgments. I think this is good neither for the judges nor for the litigants and it should be abolished.'

" Therefore, I said that this constitutes a crying evil and a sore point in the administration of justice in the City of Madras, and this anomaly which was introduced several years ago, ought to be looked into and dealt with summarily by abolishing the Full Bench applications. Although a suggestion was thrown out by the Committee in their report that the system that is in vogue in the City of Bombay, viz., that the Chief Judge and two other judges should constitute the bench ought to be adopted in Calcutta and Madras, and the new innovation of having the trial judge and Chief Judge alone sitting ought to be done away with, no step has been taken by the learned Chief Judge of the Small Cause Court and it is a matter for comment that the Government have not issued directions to the learned Chief Judge to conform to the practice in Bombay and not to have all the three judges constituted as Full Bench. I therefore draw the attention of this hon. House to this sore point in the administration of justice in the Small Cause Court, and submit that this Bill is incomplete in not having dealt with all the points that require consideration. I therefore request the hon. the Law Member to say whether he is prepared to bring in another amending Bill ; if not, I would request the hon. House to consider whether it cannot by its vote compel the Government to bring in a better consolidating Bill."

The hon. Sir C. P. Ramaswami Ayyar :—"In answer to what has fallen from the hon. Member for Madras, I am sure he is aware that I waived my right to give evidence in camera and gave evidence in public before the Civil Justice Committee strongly condemning the practice adverted to by the hon. Member. I have never concealed my opinion and I gave it fairly strongly that I considered the system of new trial a mistake. (Mr. S. Satyamurti : 'Why not change it?') As a matter of fact, there are 20 or 25 points which have to be changed with regard to the Small Cause Court. They are being considered. All I can say is that Government will endeavour to bring forward an amending Bill with regard to the Presidency Small Cause Courts and also I think a Bill with reference to the City Civil Court very shortly. That is all I can say so far as this Bill is concerned. The urgency for the Bill is patent from the fact that a number of suits are unnecessarily brought to the High Court which could otherwise be disposed of in the Civil Court."

Mr. S. Satyamurti :—"I ask whether this legislation adverted to by the hon. the Law Member will be introduced in the course of this year."

The hon. Sir C. P. Ramaswami Ayyar :—"Yes, of course. Not this session."

The motion was put and passed, and the Bill was passed into law.

XI

THE MADRAS PREVENTION OF ADULTERATION ACT (AMENDMENT) BILL.

* The hon. Diwan Bahadur R. N. Arogyaswami Mudaliyar :—"I beg leave to introduce a Bill to amend the Madras Prevention of Adulteration Act, 1918.

"In doing so, Sir, I beg to make a few remarks explaining the necessity for this amending Bill. The original Act, The Madras Prevention of Adulteration Act, passed in 1918 has not been applied to any part of the Presidency for the reason that to begin with it was found that there were some defects in the original Act which would have to be remedied before we applied it to the Presidency. And secondly, section 20 of the Act necessitated the preparation of a standard of purity for the various classes of foodstuffs and till we have had a public analyst and till he had analysed and the standard has been prescribed, the Act could not be brought into force. A Public Analyst was appointed in 1924 and immediately he started work on the analysis of food-stuffs.

"He analysed the various kinds of food-stuffs and prescribed various standards for various food-stuffs. He also pointed out the defects that existed in the original Act which had to be remedied before we could bring the Act into operation. The chief defects the amending Bill is intended to remedy are as follows . . ." 4-30 p.m.

Mr. G. Harisarvottama Rao :—"I want to raise a point of order. Is a speech permitted at the stage of the introduction of a Bill?"

* The hon. the President :—"This is not a case where leave to introduce a Bill is asked. This is a case where a Bill is introduced. In this case, a speech explaining the principles of the Bill may be made."

Mr. G. Harisarvottama Rao :—"I beg your pardon, Sir."